

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/902,579
Attorney Docket No. Q65122

REMARKS

By this Amendment, claims 1-24 are now all of the claims pending in the application. Claims 1-11 have been examined and are rejected. Specifically, claims 1-11 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Additionally, claims 1-11 are rejected under 35 U.S.C. § 102(b) as alleged being anticipated by the “CCITT Recommendation X.722, Information Technology - Open Systems Interconnection - Structure of Management Information: Guidelines for the Definition of Managed Objects” publication (hereinafter the “CCITT” reference).

It is respectfully submitted that newly added claims 12-24 do not constitute new matter and that support for these claims can be found in Applicants’ specification. For example, features of independent claims 12 and 13 are described on page 8, lines 10-19 of Applicants’ specification. Similarly, features of dependent claims 14-18 are illustrated, for example, in Applicants’ Fig. 2. Features of dependent claims 19-24 are described, for example, on page 9, lines 1-15 of Applicants’ specification.

35 U.S.C. § 101 Rejection

The Examiner rejects claims 1-11 under 35 U.S.C. § 101. Specifically, for claims 1 and 7, the Examiner alleges that Applicants fail to disclose that the claimed invention has practical applications that produce useful, concrete, and tangible results (O.A., ¶ 4). The Examiner further alleges that Applicants fail to disclose that the system and the software product recited in claims 10 and 11, respectively, “are tangibly embodied and executed by a piece of hardware and that their functions have practical applications which produce useful, concrete, and tangible result” (*Id.*).

Applicants respectfully submit that the claimed invention is statutory subject matter under Section 101 having practical applications that produce useful results. The law does not

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require tangible or concrete results or, for example, a radio transmitter would be non-statutory. Section 101 does, however, include a utility requirement.

Claim 1 is directed to a method for generating information models. Claim 1 recites “incorporating definitions of a plurality of subcomponents of an overall system to generate a first information model in coded form in a first description language; storing the first information model in a first database; using the first information model to generate one or more product-specific information models by selecting one or more first parameters and storing the one or more product-specific information models in a second database.”

By generating a master information model and one or more product-specific information models which are stored in a database for subsequent retrieval and use, “[t]he distribution of the development [of an overall system] over various [physical] locations is assisted.” (Applicants’ Specification, page 1, lines 24-26). In addition, “[t]he inconsistency of information models can be [recognized] at an early stage of product development and effectively eliminated” (*Id.* at lines 26-28). Thus, the generated information models are a useful result.

Claim 7 is directed to a method for processing information models. Claim 7 recites, *inter alia*, generating “one or more product profiles or a comparison of two or more product profiles”, which are tangibly stored in a database. With such product profiles or a comparison of two or more product profiles that are stored in the database, the differences between two releases of a product or the differences between the requisite profile and the implemented profile of the product can be ascertained. (Applicants’ Specification, page 12, lines 13-19). Thus, the generated product profiles or comparisons between two or more of the product profiles are a useful result.

For at least the above reasons, claims 1 and 7 have practical applications that have utility under § 101.

Furthermore, Applicants amend claims 10 and 11, thereby obviating the Examiner’s rejection of these claims.

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In view of the above, it is respectfully submitted that claims 1-11, and newly added claims 12- 24 are directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

35 U.S.C. § 102(b) Rejection

The Examiner rejects claims 1-11 under §102(b) as allegedly being anticipated by the CCITT reference. Applicants respectfully traverse this rejection for the following reasons.

Applicants amend claim 1 to recite, *inter alia*, “incorporating definitions of a plurality of subcomponents of an overall system to generate a first information model in coded form in a first description language” The CCITT reference merely discloses a template for a Managed Object Class. It is respectfully submitted that the Managed Object Class described in the CCITT reference does not correspond to the recited information model. For example, the Managed Object Class described in the CCITT reference is not generated by incorporating definitions of a plurality of subcomponents of an overall system. Therefore, it is respectfully submitted that these Amendments overcome the rejection of claim 1.

Similarly, claim 7 recites, *inter alia*, “incorporating definitions of a plurality of subcomponents of an overall system to generate a first information model in coded form in a first description language....” As discussed above, the CCITT reference does not disclose or suggest these features.

For at least the above reasons, claims 1 and 7 are not anticipated by the CCITT reference. Consequently, claims 2-6 and 8-11 are not anticipated by the CCITT reference at least by virtue of their dependency.

Newly Added Claims

Claims 12-24 are added to provide a more varied scope of protection for the invention. As noted above, support for claims 12-24 can be found in Applicants’ disclosure. It is respectfully submitted that newly added independent claims 12 and 13 are patentable based on a

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rationale analogous to that set forth herein for claim 7. New claims 14-24 are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 17, 2004